

AN ORDINANCE

06-0 -0781

BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND PART 15, SECTION
15-08.005 OF THE CITY OF ATLANTA LAND
DEVELOPMENT CODE REGARDING CURVED
STREETS; AND FOR OTHER PURPOSES.

WHEREAS, there is no definition of a curved street within the Code of Ordinances of the City of Atlanta, and therefore no specific guideline as to when Section 15-08.005(d) (3) and (4) of the Code should be applied; and

WHEREAS, there have been failed attempts, legislatively, in the past to define a curved street; and

WHEREAS, lots that are on a curved street have been given the same privileges given to lots on the ball of a cul-de-sac and corner lots; i.e. it reduces the subject lot's required frontage and side lot lines; and

WHEREAS, some subdivisions are being permitted only because the required frontage and side lot lines are being achieved through the "curved street" exception; and

WHERE, some of these "curved streets" are so slightly curved that some subdivisions have come into question and could be challenged.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 1. That Section 15-08.005 (d) (3) shall be re-written to read:

- (3) Side lot lines on lots on the ball of a cul-de-sac shall be within 10 degrees of radial to the cul-de-sac, shall have no less than 35 feet of frontage at the street, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard setback for that lot.

Section 2. That Section 15-08.005 (d)(4) shall be amended by removing the following words from the first sentence: "and lots on curved streets".

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2005-38, enacted June 23, 2005. (Supplement No. 31, Update 1) \ PART III CODE OF ORDINANCES—LAND DEVELOPMENT CODE \ Part 15 LAND SUBDIVISION ORDINANCE*

Sec. 15-08.005. Lots.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2005-38, enacted June 23, 2005. (Supplement No. 31, Update 1) \ PART III CODE OF ORDINANCES—LAND DEVELOPMENT CODE \ Part 15 LAND SUBDIVISION ORDINANCE* \ Sec. 15-08.005. Lots.

- (a) All proposed subdivisions shall be laid out and designed in an orderly pattern of development so as to provide for developable lots on both sides of all new streets and uniform building setbacks for all lots which radiate from the end of cul-de-sac street. No subdivision shall be approved in which lots are created on only one (1) side of a new street. No subdivision shall be approved in which there is a reserved strip of land along any portion of any street proposed to be created, regardless of the form of ownership which may be proposed for the reserved strip of land, except in the case of a parcel acquired by the applicant to provide access to an interior subdivision. In that event the access parcel shall be wide enough to contain the required street right-of-way and in addition shall have a width equal to the width required to provide the minimum corner lot side setback from the proposed street to each existing house on the contiguous lots. The applicant may offer that portion of the side buffer strips to the contiguous homeowners as necessary to create a conforming corner lot, or, in the alternative may provide that a homeowners association maintain and operate the side buffer strips on either side of the entrance parcel. Side buffer strips shall not be included in calculations for required lot area. The director may waive the requirement set forth in this section that new streets shall have lots on both sides of said new street in cases where the subject site abuts a lake, or a public park or other permanent open space having a depth which is no less than 50 percent of the average depth of the lots in the proposed subdivision.
- (b) Each proposed subdivision plat shall indicate the buildable area of each proposed lot. In any case where yard requirements specified in parts 15 and 16 of this code differ, the more restrictive requirement shall apply.
- (c) Each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by the director of the bureau of planning to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1) continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows:

| | | | | |
|---------------|----------------|----------------|----------------|--------------|
| <u>Zoning</u> | <u>Minimum</u> | <u>Minimum</u> | <u>Minimum</u> | <u>Total</u> |
|---------------|----------------|----------------|----------------|--------------|

| <u>District</u> | <u>Dimensions of Continuous Area for Dwelling</u> | <u>Square Footage for Dwelling</u> | <u>Area for Accessory Uses</u> | <u>Developable Area Required</u> |
|-----------------|---|--|--|--------------------------------------|
| R-1 | 70' x 40' | 2,800 | 2,800 | 5,600 |
| R-2 | 60' x 30' | 1,800 | 1,800 | 3,600 |
| R-2A | 50' x 30' | 1,500 | 1,500 | 3,000 |
| R-3 | 50' x 25' | 1,250 | 1,250 | 2,500 |
| R-3A | 40' x 25' | 1,000 | 1,000 | 2,000 |
| R-4 | 40' x 25' | 1,000 | 1,000 | 2,000 |
| R-5 | 25' x 14' | 350 | 350 | 700 |

- (d) **Layout of Building Lots.** Building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:
- (1) Lots on cul-de-sac streets shall have side lot lines which are within 10 degrees of radial to the center of the ball of the cul-de-sac, shall have no less than 35 feet of frontage on the ball of the cul-de-sac, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard building setback line for that lot.
 - (2) Corner lots are required to provide a half-depth front yard setback along the side street side. Corner lots shall have a street frontage which is 10 percent greater than the amount otherwise required by the applicable zoning district regulation.
 - (3) Side lot lines on curved streets shall be within 10 degrees of radial to the curved street line, shall have no less than 35 feet of frontage at the street, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard setback line for that lot.
 - (4) All lots, other than lots on the ball of cul-de-sac, corner lots, and lots on curved streets, which are described in subsections (1), (2) and (3) above, shall have the amount of lot frontage required by the applicable zoning district regulation. All such lots shall have side lot lines ranging between 80 and 100 degrees except where the existing side lot lines are approximately parallel to each other and intersect the adjacent street at an angle of not less than 60 degrees, and the proposed side lot lines replicate the existing side lot line pattern.
 - (5) Double-frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries. Where such double-frontage lots are permitted, there shall be provided an undisturbed buffer zone of at least 20 feet along the major traffic artery over which there shall be no right of vehicular access.
 - (6) In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.

- (e) Land subject to flooding and land that is topographically unsuitable shall not be platted for residential occupancy nor for other uses when to do so will create or increase danger to health, life, or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (f) *Dedication of Land in Floodplains, Wetland Areas, Stream and Creek Beds and Areas of Severe Slope.* Any land which is located within the limits of the 100-year floodplain, within a wetland area, adjacent to a stream or creek bed, or has a slope in excess of 60 degrees may, at the option of the applicant, either be designated on the subdivision plat as an area which will remain in perpetuity as an undisturbed area or may be deeded in fee or easement to the City of Atlanta or other government or to a private not-for-profit corporation authorized to receive land grants and approved by the governing authority, or may alternatively choose neither of the options described above.
- (g) *Land Previously Used for Landfill.*
 - (1) In any application for subdivision where the site has previously been used, in whole or in part, as a landfill, no such application shall be given final approval until all of the data described in (2) below has been submitted and the commissioner of the department of public works has made a finding, based on all said data provided pursuant to two (2) below, that the subject site is safe for development.
 - (2) The applicant shall submit geotechnical data, including a description of subsurface conditions, describing the character of any materials under the proposed subdivision site that may adversely affect the stability or settlement of proposed buildings or structures, and the presence of any soil contaminant which may adversely affect the use of proposed buildings or structures and the health and safety of future occupants of the subject site. Said geotechnical data shall be certified by a registered professional engineer and shall contain the following information:
 - a. Boring logs at a frequency determined by the commissioner of the department of public works, including soils laboratory data from a recognized testing laboratory; and
 - b. Analysis of the soil composition with specific analysis to determine the presence of methane or similar hazardous gases; and
 - c. Conclusions by the engineer of record as to the suitability of the subject site for the purposes intended.

(Code 1977, § 15-08.005; Ord. No. 1995-53, § 1, 9-24-95)